

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

LARRY LEE SMITH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:14-CV-490 CAS
	)	
BRUCE HARRY, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER OF TRANSFER**

This matter is before the Court on plaintiff's motion to proceed in forma pauperis. The motion will be provisionally **GRANTED**. Additionally, the Court will transfer this case to the United States District Court for the Western District of Missouri.

Plaintiff brings this action under 42 U.S.C. § 1983. All of the named defendants are located in the Western District of Missouri, and all of the events described in the complaint occurred in the Western District of Missouri.

Under 28 U.S.C. § 1391(b), a civil action may only be brought in: "(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action."

Because the defendants are located in the Western District, and because the events that gave rise to this case occurred in the Western District, venue is proper in the Western District of Missouri.

Under 28 U.S.C. § 1406(a), “The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” Because plaintiff is proceeding pro se, the Court finds that it is in the interest of justice to transfer this case to the United States District Court for the Western District of Missouri.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff’s motion to proceed in forma pauperis is **PROVISIONALLY GRANTED**, subject to modification by the United States District Court for the Western District of Missouri.

**IT IS HEREBY ORDERED** that plaintiff’s motion for appointment of counsel is **DENIED** without prejudice.

**IT IS FURTHER ORDERED** that the Clerk shall **TRANSFER** this case to the United States District Court for the Western District of Missouri. *See* 28 U.S.C. § 1406(a).

A handwritten signature in black ink, appearing to read "Charles A. Shaw", with a long horizontal flourish extending to the right.

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**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 19<sup>th</sup> day of March, 2014.